

Message

From: Environmental Law360
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Sent: 4/23/2018 7:27:09 AM
To: Duffy, Rick
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Subject: Exxon Takes AG Climate Probe Fight To 2nd Circ.

ENVIRONMENTAL



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Monday, April 23, 2018

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TOP NEWS

Exxon Takes AG Climate Probe Fight To 2nd Circ.

Oil giant ExxonMobil said Friday it will appeal to the Second Circuit a New York federal judge's dismissal of its suit claiming the attorneys general of New York and Massachusetts conspired to violate its free speech rights on climate change issues by investigating the company. [Read more »](#)

Monsanto Appeal Can't Keep Herbicide Off Calif. Cancer List

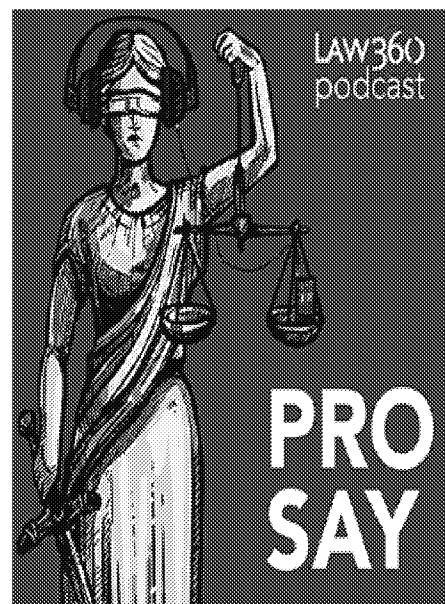
A California appeals court on Thursday refused to revive Monsanto Co.'s lawsuit challenging a state agency's inclusion of the herbicide glyphosate on a list of carcinogens, which could require the company to put warning labels on its popular Roundup weed killing products because glyphosate is an active ingredient. [Read more »](#)

Fed. Circ. Says Taking Claim Fails In Katrina Flooding Fight

The federal government can't be held liable for damage caused by Hurricane Katrina-related flooding under the Fifth Amendment based on lackluster maintenance of a navigation channel, the Federal Circuit ruled Friday, reversing a U.S. Court of Federal Claims decision. [Read more »](#)

GOP State AGs Back Big Oil In Calif. Climate Suits

Republican attorneys general from 15 states urged a California federal judge Thursday to dump Oakland's and San Francisco's suits seeking to hold oil giants liable for climate change-related infrastructure damage, accusing the Golden State municipalities of unlawfully trying to regulate national fossil fuel use through the courts. [Read more »](#)



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LAW FIRMS

Allen & Overy
Alston & Bird
Arnold & Porter
Balch & Bingham
Bernstein Litowitz

HSBC Halts Coal Power Plant Funding To Honor Paris Accord

HSBC Holdings PLC said Friday it is turning its back on funding high-carbon energy projects as the bank looks to ease pressure from activists and regulators who want financial services firms to step up their response to climate change. [Read more »](#)

POLICY & REGULATION

NJ Gov. Signs Law Banning Offshore Drilling

Newly minted New Jersey Gov. Phil Murphy signed into law a bipartisan bill on Friday that bans offshore oil and gas drilling in the state's waters and beyond, a move that comes as a rebuke to the Trump administration's efforts to undo Obama-era restrictions on the activity in the Atlantic and Pacific oceans. [Read more »](#)

Dems Look To Shield Offshore Rules From Trump Rollback

Eight years after the Deepwater Horizon disaster that killed 11 and sent plumes of oil spraying into the Gulf of Mexico for months, a group of Democratic senators Thursday proposed codifying two Obama-era rules aimed at tightening regulations for offshore drilling after the Trump administration moved to reconsider them. [Read more »](#)

NY Beefs Up Energy Efficiency Targets To Drive GHG Cuts

New York Gov. Andrew Cuomo on Friday unveiled a new energy efficiency target that aims to significantly slash buildings' energy use by 2025, saying the reductions will help the Empire State reach the goal of cutting its greenhouse gas emissions by 40 percent from 1990 levels by 2030. [Read more »](#)

Senate Dems Press For Info On Koch Ties To Trump Policies

Senate Democrats have demanded information from President Donald Trump and several federal agencies including the EPA and the U.S. Department of Labor concerning the alleged "sweeping infiltration" of the current administration by the Koch brothers and their affiliates, Sen. Sheldon Whitehouse, D-R.I., announced Friday. [Read more »](#)

LITIGATION

11th Circ. Affirms Sewage Not Pollution In Insurance Row

The Eleventh Circuit upheld an Alabama federal court's ruling that a pollution exclusion in an insurance policy doesn't apply to property damage and injuries from a sewage leak, saying Friday the lower court rightly drew comparisons to a past case that reached the same conclusion. [Read more »](#)

Jamaican Investor Hits Dominican Republic With \$300M Claim

A Jamaican national has hit the Dominican Republic with a more than \$300 million arbitration claim after the landfill he invested in was improperly seized by the government for alleged environmental misdeeds, his law firm confirmed on Friday. [Read more »](#)

Mining Co. Asks DC Circ. To Revisit EPA Superfund Ruling

Sunnyside Gold Corp. urged the D.C. Circuit on Thursday to rethink a panel decision backing the U.S. Environmental Protection Agency's

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Cantey Hanger
Cohen Milstein
Cooper & Kirk
Cravath Swaine
Crowley Fleck
Dentons
Eversheds Sutherland
Gibson Dunn
Goodwin
Hagens Berman
Haynes and Boone
Hogan Lovells
Holland & Hart
Hunton Andrews Kurth
Jones Day
Katten Muchin
Kellogg Hansen
King & Spalding
Kirkland & Ellis
Latham & Watkins
Lewis Rice
Morgan Lewis
Mumphrey Law Firm LLC
Munger Tolles
O'Melveny & Myers
Paul Hastings
Paul Weiss
Perkins Coie
Ropes & Gray
Skadden
Squire Patton Boggs
Stern & Kilcullen
Stroock & Stroock
Susman Godfrey
Swift Currie
WilmerHale
Zelle LLP

COMPANIES

Accenture plc
American Bar Association
American Electric Power Company Inc.
American Petroleum Institute Inc.
BNP Paribas
BP p.l.c.

addition of the entire Bonita Peak Mining District in Colorado to the federal Superfund list, saying the opinion conflicts with the court's precedent and is "inviting agency abuse and overreach in listing decisions." [Read more »](#)

EXPERT ANALYSIS

Rule 23 Changes: Avoid Delays In Class Settlement Approval

Among the proposed amendments to Rule 23 of the Federal Rules of Civil Procedure, which are scheduled to take effect Dec. 1, are specific requirements related to "front-loading." They outline the process for seeking preliminary court approval of class action settlements and related notice plans, say Shandarese Garr and Niki Mendoza of Garden City Group LLC. [Read more »](#)

LEGAL INDUSTRY

Dentons Under Scrutiny After UK Maternity Leave Spat

The Solicitors Regulation Authority is looking into the conduct of some Dentons UKMEA LLP human resources managers that came to light during a gender discrimination dispute last year, a spokesperson for the U.K. legal regulatory body confirmed on Friday. [Read more »](#)

Analysis

Why More BigLaw Firms May Start Ditching Annual Reviews

At least two global law firms are doing away with their annual associate reviews in favor of ongoing, associate-initiated performance evaluations, a new approach that may be the wave of the future for law firms. [Read more »](#)

Federal Judge's Killer Executed After High Court Flurry

A man who killed an Eleventh Circuit judge and a black civil rights lawyer in 1989 using mail bombs was executed Thursday night in Alabama, following an eleventh-hour stay issued by the U.S. Supreme Court earlier in the day that was later vacated. [Read more & raquo;](#)

Alston & Bird Settles \$35M Ga. Malpractice Suit

A former confidant and employee of a widowed Coca-Cola executive's wife and Atlanta-based Alston & Bird LLP have agreed to end that woman's \$35 million Georgia state malpractice suit in a settlement, the plaintiff's lawyer said Friday. [Read more & raquo;](#)

DNC Sues Trump Campaign, Russia Over 2016 Election Hacks

The Democratic National Committee filed suit Friday in New York federal court accusing the Russian government, the Trump campaign and WikiLeaks of conspiring to hack the Democratic Party and doom Hillary Clinton's chances at the 2016 presidential election. [Read more »](#)

GC Cheat Sheet: The Hottest Corporate News Of The Week

Taking the measure of President Trump's "Buy America, Hire America" mandate after one year, the general counsel of FactSet weighs in on the European Union's upcoming General Data Protection Regulation, and a settlement between Uber and regulators could change the way

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ConocoPhillips
Costco Wholesale Corporation
Deloitte Touche
Democratic National Committee
Equifax Inc.
Exxon Mobil Corporation
FactSet Research Systems Inc.
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Koch Industries Inc.
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Moody's Corporation
Natural Resources Defense Council
Royal Dutch Shell PLC
SAP AG
Sierra Club
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The Coca-Cola Company
Twitter Inc.
United Nations Commission on International Trade Law
Wayfair LLC

GOVERNMENT AGENCIES

Army Corps of Engineers
Bank of England
Bureau of Citizenship and Immigration Services
California Attorney General's Office
California Environmental Protection Agency
Consumer Financial Protection Bureau
European Commission
European Union
Executive Office of the President
Federal Bureau of Investigation
Federal Judicial Center
Federal Trade Commission

companies think about data breaches. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

Podcast

Law360's Pro Say: The Michael Cohen Saga, Explained

On the latest episode of Law360's Pro Say podcast, we dig in to some intriguing aspects of the raid on the offices of President Trump's personal lawyer, including the impact on attorney-client privilege and Michael Cohen's high-dollar BigLaw connection. Also this week, we discuss a big Supreme Court case that could have a huge impact on how online retailers pay sales tax and a case that could turn courtroom theater into actual Broadway theater. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

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Office
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Public Service
Permanent Court of Arbitration
Securities and Exchange
Commission
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